

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. Applicant/Contact name and address: **Mannix Brothers Inc.
83 Mannix Ranch Dr.
Helmville, MT 59843**
2. Type of action: **Application to Change a Water Right No. 76F- 30023056
(Statement of Claim Nos. – 76F-98235, 98236, 98237, 98238)**
3. Water source name: **Wasson Creek**
4. Location affected by action: **Wasson Creek from the SESWSW Sec 7 Twp 13N Rge 11W Powell County to the confluence with Nevada Spring Creek in the SE Sec 11 Twp 13N Rge 11W Powell County**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:

This application proposes to temporarily change the purpose and place of use of part of four existing irrigation rights (76F-98235, 76F-98236, 76F-98237, 76F-98238) on Wasson Creek in Powell county for a period of ten (10) years. A maximum flow rate of 0.75 cfs would be used to enhance fishery resources, while a maximum flow rate of 5.76 cfs would continue to be used for irrigation. The period of use for both purposes would be April 15 through October 31. The proposed volume change for instream flows is 295.5 acre-feet. The changed place of use and point of diversion would be the reach of Wasson Creek from the SESWSW Sec 7 Twp 13N Rge 11W Powell County to the confluence with Nevada Spring Creek in the SE Sec 11 Twp 13N Rge 11W Powell County.

Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

**MT Dept. of Environmental Quality - 2004 Montana Water Quality Integrated Report
MT Dept. of Fish, Wildlife and Parks - Montana Fisheries Information System
The Montana Noxious Weed Survey and Mapping System
MT Natural Heritage Program - Species of Concern, T/E**

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: **No significant impact.**

Wasson Creek is listed by DFWP as a chronically dewatered stream. This temporary change would benefit the fishery resource by leaving water instream instead of diverting it for consumptive use. This change is part of a larger cooperative restoration effort on Wasson Creek to help sustain populations of westslope cutthroat trout.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: **No significant impact.**

Wasson Creek is not listed by DEQ as quality impaired or threatened. This change would beneficially affect water quality and stream temperatures by leaving more water in the stream instead of diverting it for consumptive use.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: **No significant impact.**

This is a surface water change.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: **No significant impact.**

This change does not involve installation of new diversion works, or removal of existing diversion works.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: **No significant impact.**

The MT Natural Heritage Program identified the Westslope Cutthroat Trout, Olive-sided Flycatcher, and the Lynx as a species of special concern in the vicinity of the project.

The change application will provide fishery resource benefits in Wasson Creek and in the lower Nevada Creek drainage. Wasson Creek above the Mannix diversion supports a healthy population of pure strain Westslope Cutthroat Trout and increasing instream

flows will improve connectivity and recruitment of pure strain Westslope Cutthroat Trout to Nevada Spring Creek immediately downstream of Wasson Creek, and eventually into Nevada Creek and the Blackfoot River. On Wasson Creek, diversion reduction agreements have showed an immediate fishery response (Ron Pierce, DFWP, October 2004)

The proposed project should have no impact on the Olive-sided Flycatcher and the Lynx.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: **No significant impact.**
Wetlands are not a part of the proposed change.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: **No significant impact.**
Ponds are not a part of the proposed change.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: **No significant impact.**

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: **No significant impact.**
There will be no soil or vegetation disturbance due to the proposed change. The landowner is responsible for controlling weeds on their property.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: **No significant impact.**

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **No significant impact.**

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No significant impact.**

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No significant impact.**

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No significant impact.**

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: **No significant impact.**

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes ___ No ___. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: **No significant impact.**

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **No significant impact.**
- (b) Local and state tax base and tax revenues? **No significant impact.**
- (c) Existing land uses? **No significant impact. The land would remain irrigated. The amount of irrigation water diverted will be reduced or irrigated land will be seasonally retired to provide for 0.75 cfs of instream flow.**
- (d) Quantity and distribution of employment? **No significant impact.**
- (e) Distribution and density of population and housing? **No significant impact.**
- (f) Demands for government services? **No significant impact.**
- (g) Industrial and commercial activity? **No significant impact.**
- (h) Utilities? **No significant impact.**
- (i) Transportation? **No significant impact.**
- (j) Safety? **No significant impact.**
- (k) Other appropriate social and economic circumstances? **No significant impact.**

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts

None identified

Cumulative Impacts

None identified. This change will benefit fishery resources.

3. Describe any mitigation/stipulation measures:
Flow monitoring will consist of measurements taken just upstream of the applicants diversions and immediately downstream of the diversions. Staff gages have also been installed upstream and downstream of the diversions and rating curves are being developed for the staff gages. The staff gages will be monitored and recorded monthly during runoff and weekly as flows approach 0.75 cfs.
4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:
No alternatives to this proposed project have been identified. Leaving water typically diverted for irrigation in Wasson Creek would benefit the existing fishery resource.

PART III. Conclusion

1. Preferred Alternative: **Issue the authorization for the proposed project.**
2. Comments and Responses: **There have been no comments or responses.**
3. Finding:
Yes ___ No ☒ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **An EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

Name of person(s) responsible for preparation of EA:

Name: **Eric Chase**

Title: **Water Resources Specialist**

Date: **July 14, 2006**